

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

JEREMY SHELDON,	:	Case No. 1:16-cv-837
	:	
Petitioner,	:	Judge Timothy S. Black
	:	
vs.	:	Magistrate Judge Michael R. Merz
	:	
DAVE MARQUIS, Warden,	:	
Richland Correctional Institution,	:	
	:	
Respondent.	:	

**DECISION AND ENTRY:  
(1) AFFIRMING THE MAGISTRATE JUDGE’S  
DECISION AND ORDER (Doc. 44);  
(2) ADOPTING THE MAGISTRATE JUDGE’S  
REPORTS AND RECOMMENDATIONS (Docs. 45, 53); AND  
(3) TERMINATING THIS CASE IN THIS COURT**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Michael R. Merz.

On July 13, 2016, Petitioner filed a petition for a writ of habeas corpus (the “Initial Petition”). (Doc. 1). On June 4, 2018, Petitioner filed a supplemental petition for a writ of habeas corpus (the “Supplemental Petition”). (Doc. 32). And, on September 28, 2018, Petitioner filed a motion for an evidentiary hearing. (Doc. 37).

On February 11, 2019, the Magistrate Judge issued a Decision and Order denying Petitioner’s motion for an evidentiary hearing. (Doc. 44). Thereafter, on February 13, 2019, the Magistrate Judge issued a Report and Recommendation recommending that the Court dismiss Petitioner’s Initial and Supplemental Petitions with prejudice. (Doc. 45).

Petitioner filed objections to the Decision and Order on March 6, 2019 (Doc. 48) and the Report and Recommendation on April 29, 2019 (Doc. 52). In light of Petitioner's objections, this Court entered an Order recommitting this case to the Magistrate Judge for further analysis and recommendations. (Doc. 49).

On May 2, 2019, the Magistrate Judge issued a Supplemental Report and Recommendation, addressing Plaintiff's objections to the Decision and Order and the Report and Recommendation. (Doc. 53). Petitioner filed objections to the Supplemental Report and Recommendation on May 17, 2019.<sup>1</sup> (Doc. 54).

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(a)–(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court finds that the

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<sup>1</sup> “The filing of objections provides the district court with the opportunity to consider the *specific* contentions of the parties and to correct any errors immediately.” *United States v. Walters*, 638 F.2d 947, 950 (6th Cir. 1981) (emphasis added). “A party’s objections are not sufficiently specific if they merely restate the claims made in the initial petition, ‘disput[e] the correctness’ of a report and recommendation without specifying the findings purportedly in error, or simply ‘object[] to the report and recommendation and refer[] to several of the issues in the case.’” *Bradley v. United States*, No. 18-1444, 2018 WL 5084806, at \*3 (6th Cir. Sept. 17, 2018) (quoting *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995)). In other words, “[t]he filing of vague, general, or conclusory objections does not meet the requirement of specific objections and is tantamount to a complete failure to object.” *Cole v. Yukins*, 7 F. App’x 354, 356 (6th Cir. 2001). In his objections, Petitioner re-asserts various arguments already presented to and considered by the Magistrate Judge in the Supplemental Report and Recommendation. (*See, e.g.*, Doc. 53 at 3; Doc. 54 at 1–2; *see also* Doc. 44 at 1–2). Indeed, Petitioner affirmatively states that his objections to the Supplemental Report and Recommendation are “substantively the same” as those raised in his previous filings. (Doc. 54 at 2). Petitioner’s contentions fail to constitute the type of “specific written objections” contemplated by Fed. R. Civ. P. 72(b)(2). Moreover, the Court disagrees with Petitioner’s conclusory allegations that the Magistrate Judge misunderstood certain aspects of his arguments. (Doc. 54 at 1–3). Indeed, upon *de novo* review, the Court finds that the Magistrate Judge’s Decision and Order, Report and Recommendation, and Supplemental Report and Recommendation are thorough, accurate, and well-reasoned. Accordingly, **Plaintiff’s objections are overruled.**

Decision and Order, the Report and Recommendation, and the Supplemental Report and Recommendation should be and are hereby affirmed and adopted in their entirety.

Accordingly:

1. The Decision and Order (Doc. 44) is **AFFIRMED** in its entirety;
2. The initial and Supplemental Reports and Recommendations (Docs. 45, 53) are **ADOPTED** in their entirety;
3. Petitioner's objections (Docs. 48, 52, 54) are **OVERRULED** in their entirety;
4. Petitioner's Initial and Supplemental Petitions (Docs. 1, 32) are **DISMISSED** with prejudice;
5. Because reasonable jurists would not debate the Court's conclusions, the Court **DENIES** issuance of a certificate of appealability, pursuant to 28 U.S.C. § 2253; *see Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (citing *Barefoot v. Estelle*, 463 U.S. 880, 893 & n.4 (1983));
6. The Court certifies that, pursuant to 28 U.S.C. § 1915(a)(3), an appeal of this Order would not be taken in good faith and therefore Petitioner is denied leave to appeal *in forma pauperis*; and
7. The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** upon the docket of this Court.

**IT IS SO ORDERED.**

Date: 10/6/2020

s/Timothy S. Black  
Timothy S. Black  
United States District Judge